

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

NATHAN HALL,

Defendant.

NO. CR13-113RSL

PROTECTIVE ORDER

(Proposed).

This matter, having come to the Court's attention on the United States' Motion for Protective Order, and the Court, having considered the entirety of the record and being fully advised in this matter, hereby finds,

FOR THE REASONS stated in the United States' Motion, there is a factual basis to support the United States' concerns; and there is good cause for the requested PROTECTIVE ORDER in order to advance the goals of protecting civilian witnesses from disclosure of personal information, and avoiding the potential for harassment, tampering or retaliation.

THE COURT THEREFORE grants the Motion and enters the following PROTECTIVE ORDER:

1 1. Permissible Disclosure of Protected Material.

2 The material that is described in the Motion is deemed "Protected Material." The
3 United States will make available copies of the Protected Material to defense counsel as
4 necessary to comply with the government's discovery obligations. Possession of the
5 Protected Material is limited to defense counsel, as well as his investigators, paralegals,
6 assistants, law clerks, and experts (hereinafter collectively referred to as "members of the
7 defense team").

8 Members of the defense team may not provide copies of the Protected Material to
9 any other persons, including the defendant himself; provided, however, that members of
10 the defense team may play, display and orally discuss the contents of the Protected
11 Material with defendant or other witnesses as necessary to prepare the defense. In
12 addition, defense counsel is required to provide a copy of this Protective Order to
13 members of the defense team, and obtain written consent from members of the defense
14 team of their acknowledgment to be bound by the terms and conditions of this Protective
15 Order, prior to providing any Protected Material to the members of the defense team.

16 The written consent need not be disclosed or produced to the United States unless
17 requested by the Assistant United States Attorney and ordered by the Court.

18 2. Dissemination of Protected Material Outside the United States

19 If defense counsel retains a member of the defense team who lives or works
20 outside the United States to assist in investigating this matter, defense counsel shall, prior
21 to providing the Protected Material to said individual: (1) inform the government of the
22 identity and employment of said foreign member of the defense team; (2) inform the
23 government as to what Protected Material shall be provided to the foreign member of the
24 defense team; and (3) confirm that the foreign member of the defense team has provided
25 his or her written consent to the terms of this order and that he or she shall be subject to
26 this Court's jurisdiction.

1 3. Disputes Over Scope of Protective Order.

2 If, after receiving the disclosure provided above, the government nonetheless
3 objects to the provision of the Protective Material to the foreign member of the defense
4 team, defense counsel agrees to refrain from disseminating the Protective Material to the
5 foreign member of the defense team until the parties can obtain further guidance from the
6 Court.

7 Similarly, if defense counsel believes the government has improperly designated
8 material as Protected, defense counsel may seek a further order of this Court; provided,
9 however, that defense counsel shall again not disseminate the disputed Protective
10 Material until the Court has ruled.

11 4. Filing

12 Any Protected Material that is filed with the Court in connection with pretrial
13 motions, trial, or other matters before this Court, shall be filed under seal and shall
14 remain sealed until otherwise ordered by this Court.

15 5. Disclosures by the United States.

16 This order does not limit employees of the United States Attorney's Office for the
17 Western District of Washington from disclosing the Protected Material to members of the
18 United States Attorney's Office, federal law enforcement agencies, and to the Court and
19 defense as necessary to comply with the government's discovery obligations.

20 5. Nontermination

21 The provisions of this Order shall not terminate at the conclusion of this
22 prosecution. Furthermore, at the close of this case, defense counsel shall return the
23 Protected Material, including all copies of the Protected Material, to the office of the
24 United States Attorney, or otherwise certify that the material has been destroyed.

6. Violation of Any Terms of this Order

Any person who willfully violates this order may be held in contempt of court and may be subject to monetary or other sanctions as deemed appropriate by this Court.

DATED this 1st day of March 2018.



THE HONORABLE ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE

Presented by:

/s/ Sarah Y. Vogel

SARAH Y. VOGEL

Assistant United States Attorney